

Exhibit 40

1 The Honorable Roger Rogoff
2 Hearing Date: Tuesday, March 5, 2019
3 Without Oral Argument
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STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

9 STATE OF WASHINGTON,

No. 17-2-32886-3-SEA

10 Plaintiff,

ORDER DENYING (IN PART)
11 v.
12 TVI, INC., d/b/a Value Village,
13 Defendant.

15 This matter having come before the Court on Defendant TVI, Inc.'s Motion to Compel, and
16 the Court having reviewed the Motion, the Plaintiff State of Washington's Response, and
17 Defendant's Reply, as well as the exhibits thereto, and being otherwise familiar with the records
18 and files herein, the Court hereby orders as follows:

19 Defendant TVI, Inc.'s Motion to Compel is DENIED, in part.

20 The Secretary of State is a separately elected official overseeing a distinct State agency
21 that is not involved in bringing the instant lawsuit. Defendant may serve non-party discovery
22 on the Secretary of State if they believe relevant information exists in that agency's possession.

23 The Court similarly denies CR 30(b)(6) deposition of the Attorney General's Office as
24 a whole. The named party shall decide who to designate a representative who can fulfill the
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1 requirements of CR 30(b), and in this case, that designate can be a representative of the
2 Consumer Protection Division.

3 The Court grants Defendant's request to compel certain discovery of the Attorney
4 General's Office more broadly via written interrogatories to discover whether any
5 material/relevant evidence related to the causes of action in the Complaint exist outside the
6 Consumer Protection Division within the Attorney General's Office. However, those requests
7 shall be limited and reasonable. The Court's ruling is designed to speed up discovery since
8 Plaintiff can quickly and easily communicate with other divisions within its office. Privileged
9 and work product communications shall remain protected.

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11 Dated this 7 day of March, 2019.

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15 HONORABLE ROGER ROGOFF
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18 Presented by:

19 ROBERT W. FERGUSON
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